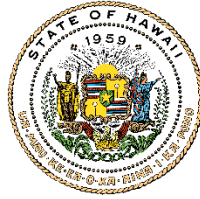
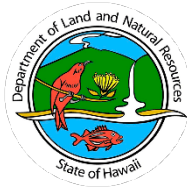


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

**Testimony of
DAWN N. S. CHANG
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, February 28, 2023
11:30 a.m.**

State Capitol, Conference Room 308 & Videoconference

**In consideration of
HOUSE BILL 15, HOUSE DRAFT 2
RELATING TO REAL PROPERTY LIENS**

House Bill 15, House Draft 2 proposes to authorize the State and counties to place a lien on a property with unpaid civil fines resulting from a violation of a land use law in connection with the property. **The Department of Land and Natural Resources (Department) strongly supports this bill.**

Coastal erosion and rising seas are threatening our iconic public trust beaches and threatening shoreline homes throughout the State. Coastal properties often fall under both state and county jurisdictions. Private property owners whose property abuts public beaches are building erosion control structures on public beaches, and encroaching upon public trust land, to protect their private properties.

Shoreline hardening temporarily protects private property but destroys the public beaches for which Hawai'i is world-renowned and which provide recreational and cultural space for Hawai'i residents and visitors. Moreover, most makeshift and illegal hardening structures are band aid failures that end up washing away, leaving debris such as rock, concrete, rebar, and textiles along the shoreline and in the water. This debris creates public hazards in and out of the water, and can physically damage reef ecosystems, trap marine life, and pollute our nearshore waters.

This measure would aid the Department in resolving encroaching structures that are largely unpermitted or remain under expired permits far beyond their allotted authorization. Unpermitted and illegal structures present an enforcement challenge when the shoreline property changes ownership.

Lien recordation will assist in the collection of civil penalties, abatement costs, and administrative costs as directed by the Board of Land and Natural Resources. A lien on property to address noncompliance of administrative enforcement actions for encroachments upon public lands will deter future violations and maintain the integrity of laws to protect public lands.

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

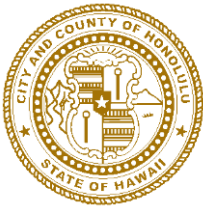
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

The Department has found, in its investigations of alleged violations of Conservation District rules, that subject properties often have additional unpaid civil violations.

The Department has also found that debris from unauthorized structures within the shoreline setback area is washed onto the beach and into the ocean during periods of high surf, creating a public hazard and negatively impacting the State's environment.

Both the Department and the individual counties have faced challenges in enforcing the laws that protect our natural resources, and we have been cooperating with each other when alleged violations cross jurisdictional lines. As such, the Department supports House Bill 15, House Draft 2, as it will strengthen the counties' ability to enforce the land use laws that protect our State's natural and cultural public trust resources.

Mahalo for the opportunity to provide testimony in strong support of this measure.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

Councilmember District 5
Telephone: (808) 768-5005
Email: ckysay@honolulu.gov

February 27, 2023

TO: CHAIR KYLE T. YAMASHITA, COMMITTEE ON FINANCE
VICE CHAIR LISA KITAGAWA, COMMITTEE ON FINANCE

FROM: COUNCILMEMBER CALVIN SAY
HONOLULU CITY COUNCIL, DISTRICT V

SUBJECT: TESTIMONY IN SUPPORT OF HOUSE BILL 15

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee on Finance:

I am a current member of the Honolulu City Council representing District 5 and serving as the Chair of the Zoning Committee. I stand in support of HB 15, which aims to authorize the State and the County in which the affected real property is situated to place a lien on the property for unpaid civil fines resulting from a violation of a land use law in connection with the property. It also authorizes the State and applicable County to sell the property after all notices, orders, and appeal proceedings, if any, are exhausted and use those revenues to pay unpaid civil fines related to that property.

Within the district I represent, we have multiple properties with Notices of Violations and/or Notices of Orders which have resulted in substantial fines to the property owners. These properties have brought health and safety hazards to the neighboring residents and community, however the accruing fines have not been a strong enough incentive to move the property owners to corrective action.

Our City Corporation Counsel is currently able to initiate a Judicial Foreclosure process, which has been successful in similar instances, however this is a long process that takes valuable resources away from other pressing legal matters. It also leaves the community with detrimental public nuisances such as fires, trash, and vermin. HB 15 would allow the City to keep our neighborhoods safe by stopping illegal activities, health hazards, and other public nuisances on properties in a more efficient and expeditious manner.

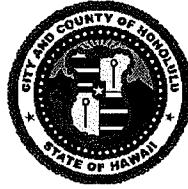
Thank you for this opportunity to testify in support of HB 15. Thank you for your time and consideration.

Calvin K. Y. Say
District 5,
Honolulu City Council

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI
MAYOR



DAWN TAKEUCHI APUNA
DIRECTOR

JIRO SUMADA
DEPUTY DIRECTOR

February 28, 2023

The Honorable Kyle T. Yamashita, Chair
and Members of the Committee on Finance
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Yamashita and Committee Members:

**Subject: House Bill No. 15, HD 2
Relating to the Real Property Liens**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 15, HD 2, which would allow the counties to collect liens on properties for civil fines through a non-judicial foreclosure process.

This Bill would empower the DPP to better enforce against repeat and egregious offenders, which generally rack up the largest accruals of fines. Specifically, this Bill would authorize the City to bring closure to pending civil fines imposed on landowners who are in violation of the City's land use ordinances and building codes, through a non-judicial or administrative process. The counties currently have and exercise the authority to use the non-judicial foreclosure process for collection of real property tax liens, which this Bill would extend to collection of liens on properties for civil fines.

Currently, the DPP issues a Notice of Violation (NOV) to notify the violator of the violation and to provide a reasonable amount of time to cure the violation, either by removing the violation or obtaining the proper approvals. If the landowner fails to comply with the NOV, a Notice of Order is issued to impose daily civil fines until the violation is corrected. Once the fines accrue to a certain amount based on the type of violation, a lien is placed on the property. If the violator continues to be noncompliant and/or does not pay the fines, the City moves forward with the judicial foreclosure process. However, the current judicial foreclosure process is a much lengthier and costlier process subject to a legal process mostly beyond the City's control. The City has lacked the legal manpower and funding to pursue judicial foreclosures, and believes that the non-judicial foreclosure process as currently employed by the real property tax collections, is a viable, more efficient and effective method for the City to collect liens on properties for civil fines.

The Honorable Kyle T. Yamashita, Chair
and Members of the Committee on Finance
Hawaii House of Representatives
House Bill No. 15, HD 2
February 28, 2023
Page 2

Concern has been raised that the City will abuse this authority and use it to “take” private property from our citizens. This could not be further from the truth. We assure you that this method of foreclosure provides abundant notice and opportunity to contest the foreclosure.

We respectfully request that you approve this Bill to allow the counties to implement non-judicial foreclosures to efficiently and effectively collect civil fines.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, horizontal flourish that tapers to the right.

Dawn Takeuchi Apuna
Director

HB-15-HD-2

Submitted on: 2/27/2023 10:32:56 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Edward Jones	OSTRA	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee on Finance,

OSTRA is OPPOSED to HB15 because judicial foreclosure process is there for a reason: to allow people to defend their home in court. Furthermore, OSTRA does not place trust in competency or transparency of DPP to yield this power fairly: we already are aware of an example where homeowners were misled by DPP about proper NOO appeal process which resulted in a rapid lien placement on a home, which is now being addressed by the homeowner's attorney. If HB15 were implemented, they would not have a chance to defend themselves.

HB-15-HD-2

Submitted on: 2/27/2023 8:16:22 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
lillie mcafee	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE HB 15. IT IS UREASONABLE. DPP HAS PROVEN OVER AND OVER TO BE COMPLETELY INCOMPETENT.

HB-15-HD-2

Submitted on: 2/27/2023 8:16:54 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Debra Piro	Individual	Oppose	Written Testimony Only

Comments:

I highly oppose HB15, another violation is rights, because judicial foreclosure process is there for a reason: to allow people to defend their home in court. I do not trust in competency or transparency of DPP to yield this power fairly: we already are aware of an example where a owners were misled by DPP about proper NOO appeal process which resulted in a rapid lien placement on a home, which is now being addressed by the owners attorney. If HB15 were implemented, they would not have a chance to defend themselves.

HB-15-HD-2

Submitted on: 2/27/2023 8:18:04 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ken Kribel	Individual	Oppose	Written Testimony Only

Comments:

1. I am so against HB15.
2. this bill is a complete invasion of privacy.
3. it is government over reach.
4. it is unconstitutional
5. stop with these rediculous bills

HB-15-HD-2

Submitted on: 2/27/2023 8:23:48 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Vladimir Gurovich	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 15 because i do not trust my local (Honolulu) department of planning and permitting to be fair and transparent about their non-judicial foreclosure actions. ITs already been embroiled in numerous corruptiton scandals and it does not have a track history. I want to allow fellow property owners the benefit of legal protection that judicial foreclosure offers.

HB-15-HD-2

Submitted on: 2/27/2023 8:23:51 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Ochsenbein	Individual	Oppose	Written Testimony Only

Comments:

This bill will probably not hold up in court. Please don't waste your efforts on something that will cost the taxpayers money when the outcome will be that it is unconstitutional.

HB-15-HD-2

Submitted on: 2/27/2023 8:28:58 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John An	Individual	Oppose	Remotely Via Zoom

Comments:

I testify in opposition to HB15 HD2. This bill is an attempt by the government to legalize taking proeprty without due process and without just compensation. This bill appears to be an attempt to give the state and counties authority to bypass a fundamental constitutional property right. The very obvious outcome from this bill would be a broad issuing of violations without evidence or proof, and then government taking property without due process. This bill is an afront to the most fundamental property rights in the United States of America.

On Oahu, the DPP is backlogged with basic routine building permits that take over 1 year to process. DPP does not have the capacity to process administrative work. Would DPP be able to process and respond to any response to incorrectly issued violations before the non-judicial foreclosure process starts? I believe we all know the answer to this question.

Please do not pass this bill.

HB-15-HD-2

Submitted on: 2/27/2023 8:47:55 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Orly Maor	Individual	Oppose	Written Testimony Only

Comments:

I would like to testify in opposition of bill number 15, that will hurt us & the community very much. Please don't pass this bill.

Mahalo,

Orly Maor

HB-15-HD-2

Submitted on: 2/27/2023 8:57:49 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Fernandez	Individual	Oppose	Written Testimony Only

Comments:

DEAR LEGISLATURE,

As a citizen of the U.S. I greatly oppose HB15 that does not abide by the judicial process and judgement procedures to place a lien on a home. We see the news on how authoritarian govts have become drunk with power and think they can unilaterally impose any type of law without considering our 4th amendment rights. When I first came to Hawaii I was under the impression that this was a just, non-corrupt and judicial state but over the years I see the opposite. I see these legislative moves that will eventually be challenged and defeated in court if not at the State but at the Federal level.

Sincerely,

RF

HB-15-HD-2

Submitted on: 2/27/2023 9:01:53 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara JH Machado	Individual	Oppose	Written Testimony Only

Comments:

We want to stay with the PROPER JUDICIAL FORECLOSURE PROCESS.

HB-15-HD-2

Submitted on: 2/27/2023 9:10:39 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Noll	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members,

Please vote NO HB15!

This bill, as written, would subvert homeowners rights to defend themselves and give too much authority to the DPP.

The judicial foreclosure process is there for a reason: to allow people to defend their home in court.

Thank you.

Nancy Noll

HB-15-HD-2

Submitted on: 2/27/2023 9:19:22 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
RALPH FURLEY	Individual	Oppose	Remotely Via Zoom

Comments:

State Legislature,

My clients feel threatened with HB15 and HB538 and have consulted with me and I agree with them. I have reviewed the manuscript of both these bills and can testify that they violate basic constitutional homeowner rights. This will be an easy one to challenge in Federal court if it passes. Please spend your efforts in what voters trust you to do - preserving basic citizens and homeowner rights

Sincerely,

R. Furley

HB-15-HD-2

Submitted on: 2/27/2023 9:25:26 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cecila Gomez	Individual	Oppose	Remotely Via Zoom

Comments:

I am against this crazy bill from the State such as HB15 that could easily put a lien on my precious home without going to the court system. This is a basic and abhorrent violation that an elderly female widow should not have to worry about. I had my home burglaized but at least the thieves did not take away my home. Here I have my government official passing stupid laws to allow this to happen. why did I vote fo you guys last year?

Very upset citizen in Kailua,

Cecilia Gomez

HB-15-HD-2

Submitted on: 2/27/2023 9:32:45 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jill Paulin	Individual	Oppose	Written Testimony Only

Comments:

Please vote "no" on this Bill that takes away homeowner's rights. The judicial process for foreclosure is in place for a reason. Please do not take our rights away. Vote "no" on this Bill that hurts residents.

HB-15-HD-2

Submitted on: 2/27/2023 9:44:37 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Janet Dawson	Individual	Oppose	Written Testimony Only

Comments:

I purchased a unit with violations 3 years ago. I have been working with the bldg department since BEFORE buying the property. I have submitted everything they requested and am still waiting for an approval. The department is so backed up - I have patiently been waiting for my approvals. It would be crazy if they can take a property with out any legal procedings. Every story has 2 sides and to just give the bldg & permit dept rights to seize properties is not right.

HB-15-HD-2

Submitted on: 2/27/2023 10:02:37 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Norm Nichols	Individual	Oppose	Written Testimony Only

Comments:

This bill HB15 is illegal in so many ways. DPP and the authors of this bill need to look elsewhere for solutions to the whole problem of the TVR issues. Turning our government into an autocratic regime is unconstitutional and solutions to this whole problem are not that hard to solve. Get the illegal and graft out of the process.

HB-15-HD-2

Submitted on: 2/27/2023 10:03:07 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Luke	Individual	Oppose	Written Testimony Only

Comments:

I vehemently oppose giving DPP any more authority. DPP has been unable to manage itself or to provide the services they are presently tasked. To skip the proper judicial foreclosure process if they place a lien on your home and to take your home through a rapid non-judicial foreclosure would be a great disservice to a struggling homeowner.

HB-15-HD-2

Submitted on: 2/27/2023 10:20:46 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Katy C	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill as it would subvert the legal process for DPP to initiate foreclosure actions on a home. This is grossly unfair and clearly intended to target existing vacation rentals. It is one thing to issue violations and fines, but to expedite the foreclosure process and not allow vacation rental owners a fair chance at defending their homes is unacceptable.

HB-15-HD-2

Submitted on: 2/27/2023 10:53:52 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julian Ritchey	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. The judicial foreclosure process is there for a reason: to allow people to defend their home in court. Furthermore, OSTR does not place trust in competency or transparency of DPP to yield this power fairly: we already are aware of an example where a owners were misled by DPP about proper NOO appeal process which resulted in a rapid lien placement on a home, which is now being addressed by the owners attorney. If HB15 were implemented, they would not have a chance to defend themselves.

Mahalo,

Julian Ritchey

HB-15-HD-2

Submitted on: 2/27/2023 11:18:24 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Swart	Individual	Oppose	Written Testimony Only

Comments:

HB-15 is is an unnecessary bill. There already is a well established process for seizing properties.

These actions by a County need to be judiciously proper. Rushing the process, seems meanspirited at best and will only lead to Federal lawsuits that the County is not likely to prevail on.

HB-15-HD-2

Submitted on: 2/27/2023 11:32:42 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lori Rough	Individual	Oppose	Written Testimony Only

Comments:

I am against HB15 because the judicial foreclosure process is in place for a good reason--so people can protect their property against unnecessary or illegal liens.

HB-15-HD-2

Submitted on: 2/27/2023 11:48:28 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Adam Rose	Individual	Oppose	Written Testimony Only

Comments:

Dear Hawaii House Members,

I am writing to express my strong opposition to House Bill 15, which seeks to bypass the judicial foreclosure process for homeowners whose homes have been liened by the Department of Planning and Permitting (DPP). The judicial foreclosure process is in place for a reason: to allow homeowners to defend their property in court. This bill removes that right and hands an immense amount of power to the DPP, which we do not believe has the competency or transparency to yield such power fairly.

Furthermore, we have already seen an example of the DPP misleading homeowners about the proper appeal process for a notice of violation, resulting in a rapid placement of a lien on a home. This is a clear indication that the DPP cannot be trusted with this level of power. If HB15 were implemented, homeowners like this would not have a chance to defend themselves and their property in court.

The judicial foreclosure process is designed to protect the rights of homeowners and ensure that the government follows due process. By removing this process, HB15 would infringe upon the property rights of Hawaii's homeowners and leave them vulnerable to unfair government action.

I urge you to reject House Bill 15 and to protect the rights of Hawaii's homeowners. Thank you for considering my views on this important matter.

Sincerely,

Adam Rose

HB-15-HD-2

Submitted on: 2/27/2023 11:53:04 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan A Bryson	Individual	Oppose	Written Testimony Only

Comments:

Opposition to HB 15 is based on the following concerns:

1. **Violation of Property Rights:** The bill allows the state and counties to place liens on private properties for unpaid fines resulting from land use law violations, regardless of whether the property owner committed the violation or not. This infringes upon property rights.
2. **Disproportionate Punishment:** The power to sell properties to pay off fines could lead to disproportionate punishment for minor infractions, resulting in property owners losing their homes or businesses.
3. **Unclear Criteria for Liens and Sales:** The bill lacks clear criteria for placing liens on properties or selling them to pay off fines. This could result in arbitrary and unfair enforcement.
4. **Lack of Appeal Process:** The bill does not provide clear guidelines for how property owners can appeal the imposition of liens or the sale of their properties, making it difficult to challenge unfair or erroneous decisions.
5. **Potential for Abuse of Power:** The power to sell properties to pay off fines raises concerns about the potential for abuse of power, particularly if government officials use their authority to target particular individuals or communities for punitive measures.
6. **Negative Impact on Communities:** Selling properties to pay off fines could have negative impacts on communities, particularly if properties are sold at a loss or left abandoned, leading to blight and decreased property values in affected areas.
7. **Availability of Alternative Solutions:** There may be alternative solutions available to address violations of land use laws, such as fines that do not involve liens or property sales. These options should be explored before resorting to measures that could have significant negative consequences.

HB-15-HD-2

Submitted on: 2/27/2023 11:57:27 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Margaret Murchie	Individual	Oppose	Written Testimony Only

Comments:

Judicial foreclosure process is there for a reason: to allow people to defend their home in court. DPP has too much on their plates now. They are understaffed & I have no trust in competency or transparency of DPP to yield this power fairly. Currently giving different answers to questions from public about processing requests and rules. There are examples where a owners were misled by DPP about proper NOO appeal process which resulted in a rapid lien placed on a home, now being addressed by the owners attorney. If HB15 were implemented, they would not have a chance to defend themselves

HB-15-HD-2

Submitted on: 2/27/2023 2:19:37 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Leslie R Lewis	Individual	Oppose	Written Testimony Only

Comments:

It is unconscionable and extremely harsh to impose real property liens on a person who owes (unsecured) civil fines as this would interfere with their ability to sell their real property and pay such fines, or have to sell under duress and more likely to be taken advantage of by a ruthless buyer looking "for a deal" and this being done without a neutral third party or judicial involvement is unthinkable. The punishment does not fit the crime in this case. You will not help the homeless situation by these kinds of harsh rules on homeowners.

Additional comment: There has been an unprecedented number of new rules proposed or implemented that are not good for homeowners here in Hawaii. I am not alone in the feeling that the government is stepping on citizens rights of good citizens with more rules and laws. More is not better in this case. Please consider removing laws, restrictions where appropriate vs adding more restrictions. It seems that the state is trying to make everyone a criminal.

HB-15-HD-2

Submitted on: 2/27/2023 2:23:19 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
karin omahony	Individual	Oppose	Remotely Via Zoom

Comments:

Oppose HB 15 because judicial foreclosure process is there for a reason: to allow defend their home in court. Furthermore, I do not place trust in competency or transparency of DPP to yield this power fairly: we already are aware of an example where a owner was misled by DPP about proper NOO appeal process which resulted in a rapid lien placement on a home, which is now being addressed by the owners attorney. If HB15 were implemented, they would not have a chance to defend themselves.

this is yet another unconstitutional, unfair and unneeded bill proposing to bully and harm homeowners

Oppose HB 15 because judicial foreclosure process is there for a reason: to allow people to defend their home in court. Furthermore, OSTR does not place trust in competency or transparency of DPP to yield this power fairly: we already are aware of an example where a owners were misled by DPP about proper NOO appeal process which resulted in a rapid lien placement on a home, which is now being addressed by the owners attorney. If HB15 were implemented, they would not have a chance to defend themselves.

Testimony against:
HB 15 & 538

Submitted by:
Iris Kahaulelio
66-815 Kaukonahua Rd.
Waialua, HI 96791

Dear Members of the WAL, JHS, and FIN Committees,

My name is Iris Kahaulelio. I have been a science teacher at Kahuku High School since 1994 and my husband has worked for the City & County of Honolulu, Department of Environmental Services since 2007. We have five children and live in Waialua. Through the discipline of saving and having good credit, we were able to purchase our first home in 2000, which will ultimately be left to our children.

Like many working families, we are living paycheck to paycheck so understandably we are against any bill that will prevent any financial hardship.

House Bill 15 would allow the Department of Planning and Permitting to skip the proper judicial foreclosure process if they place a lien on your home and to take your home through a rapid non-judicial foreclosure. I would hope that anyone would be against taking away our right to judicial process. Judicial foreclosure process is there for a reason: to allow people to defend their home in court.

House Bill 538 establishes additional penalties if an owner that receives an NOV fails to fix it within "timeframe that is satisfactory to the department", but most importantly, it grants the DPP investigators authority to enter private property without permission or a search warrant. This is a blatant violation of owners constitutional rights under 4th amendment against unreasonable search and seizures. I would hope that anyone would be against someone entering your home without permission.

I urge you to vote against HB 15 & 538.

Mahalo for your consideration,
Iris Kahaulelio

I oppose HB15 because judicial foreclosure process is there for a reason: to allow people to defend their home in court. DPP has proven with the unacceptable corruption schemes taking kickbacks and bribes currently under investigation & prosecution that DPP cannot be trusted to conduct business fairly, reasonably with competency and transparency. DPP job is PERMITTING not STEALING PROPERTY FROM OWNERS by wrongful foreclosures.

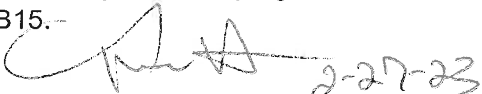
The DPP cannot be trusted as I have witnessed during the past 30 days, dirty tactics by DPP such as sending the Notice of Violation to a "Lessor" (land owner) of a Leasehold property instead of the actual owner who owns the unit. This is unfair and dirty tactics in efforts for DPP to be able to charge and rack up grigios fines and penalties without the real owner's knowledge or even being properly issued a violation. Also, my ads have the TA# of the owner, the TMK # of the property and my company name and license # so there is no excuse for DPP to not notify the correct owner and or the company managing the unit OR BOTH. DPP would rather justify grigios penalties and a position to "unfairly" steal an owner's property which is NOT THE ROLE of the Department of Planning and Permitting. DPP cannot even issue permits properly.

Additionally, DPP knows there are a dozen of buildings in Waikiki that were all previously zoned H-1 and H-2 from the 1980's which were rezoned to Apartment Prescient however the dozen or so buildings under Hawaii law were not supposed to lose the rights already given to them prior to the zoning changes. I have testified to these issues for years however DPP refuses to do the right thing. One of these buildings, is the Waikiki Park Heights of which DPP put in writing in 2019 that they could not make a "determination" as to the legal use. The Waikiki Park Heights was built as an Hotel and half of the units in the building were deemed "lodging units", no kitchens and no 220 volts for an oven. How can DPP be the authority but not be able to "make a determination". DPP has failed greatly over the past decades which is why we have this mess now. DPP is not doing the right thing and instead being used to attack under a MOB RULE which is unacceptable.

Another example of an Abuse of Power is that I heard that an owner of a unit at the INN ON THE PARK located between hotels but on the "wrong" side of Kuhio Ave / Ala Moana Blvd according to zoning changes in the 1980's, has received a violation for renting for less than 30 days however the attached letter from DPP signed by Kathy Sukogawa in 2017 states that the INN OF THE PARK is allowed to conduct less than 30 day rentals. There is NO PROTOCOL for DPP to prove the use is not allowed but instead the owner was FORCED to stop or face outrageous and grigios fines even in situations where DPP is wrongly attacking owners of buildings who were grandfathered in because of the prior H-1 or H-2 zoning.

The issue is that all of these buildings are outside the resort map connected to Bill 41 and now DPP is attacking these owners and abusing their powers pretending these few buildings are conducting illegal short-term rentals when they were grandfathered in as legal NON-Conforming Hotels and or were exempted in the late 80's from needing to get the NUC because renting for less than 30 days was allowed. Before when I pressed DPP for clarification, DPP said the use may no longer conform. I asked if the use granted was conditional, then where in writing did the conditional use be made clear to the building, AOA of the building owners or to each owner directly. DPP could not provide any such conditional use provided in writing. Today I requested the list of Non-conforming Hotels and exempted buildings from Bill 41 however DPP said no such list exists. Shouldn't DPP know which buildings are allowed whether by grandfathering or by zoning?

DPP is being weaponized which should be a CRIME! This attack on property ownership rights is a mis-use of power. For all of these reasons, you must vote NO on HB15.-



2-27-23

Attached: DECLARATION OF KATHY SOKUGAWA regarding Inn on the Park signed 8/15/2017
DPP'S LIST OF BUILDINGS REVIEWED FOR EXEMPTION FROM THE NUC REQUIREMENTS 12/15/1994

DEPOSITION OF KATHY K. SOKUGAWA during UNRELATED BUILDING LAWSUIT

BY WAHUKI LAMIS AAOO

SEE "EXHIBIT 16" LIST OF PROPERTIES

PROVIDED BY DPP'S

DIRECTOR

KATHY SOKUGAWA

KIRK CALDWELL
MAYOR

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
850 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-8041
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KATHY K. SOKUGAWA
ACTING DIRECTOR
TIMOTHY F. T. HUI
DEPUTY DIRECTOR

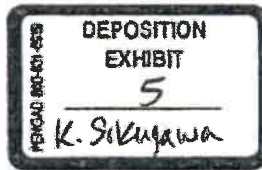
DECLARATION OF KATHY K. SOKUGAWA

1. My name is Kathy K. Sokugawa, and I make this declaration under penalty of law.
2. I am the Acting Director of the City and County of Honolulu's Department of Planning and Permitting ("DPP").
3. As the Acting Director for DPP, I am responsible for the administration and enforcement of the City Land Use Ordinance ("LUO"), which is codified as Chapter 21 of the Revised Ordinances of Honolulu, 1990 (as amended).
4. I am personally familiar with the provisions of the LUO.
5. I am also familiar with the Inn on the Park Condominium Project ("Project"), which is located at 1920 Ala Moana Blvd., Honolulu, Hawaii; TMK No. 2-5-7: 26.
6. I have examined the Developer's public reports for the project.
7. On April 7, 2017, I met with several individuals who own condominium units in the Project; during this meeting I stated that short-term rentals (i.e., rentals of less than 30 days) would be allowed in units for the Project if the Project operated consistent with the LUO's definition of "hotel," assuming that the nonconforming "hotel" use has been maintained, consistent with the requirements of the LUO.
8. The LUO defines a "hotel" as follows:

"Hotel" means a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24 hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such as restaurants, shops, meeting rooms, and/or recreational and entertainment facilities

Kathy Sokugawa
Kathy K. Sokugawa, Acting Director
Department of Planning and Permitting

Dated: August 15, 2017
Honolulu, Hawaii



PLEASE DO NOT REMOVE

LIST OF BUILDINGS REVIEWED
 FOR
 EXEMPTION FROM THE NONCONFORMING USE CERTIFICATE REQUIREMENTS
 OF ORDINANCE 89-154

Transient Vacation Units are permitted in areas zoned R-1 Resort and Resort-Hotel Precinct. They are permitted in other zoning districts only with a nonconforming use certificate, except that nonconforming hotels are exempt from the certificate requirement. Research has been completed on the following buildings to determine if they qualify for this exemption:

PROJECT NAME	ADDRESS	TAX MAP KEY	CURRENT ZONING	EXEMPT FROM NUC (YES/NO)
2121 Ala wai	2121 Ala wai Blvd.	2-6-17: 003	Apt. Precinct	No
2211 Ala wai	2211 Ala wai Blvd.	2-6-20: 033	Apt. Precinct	No
ALA MOANA AMERICANA Ala wai King Hotel	418 Att/K/6550 2003/2007 Ala wai Blvd.	2-3-038 \ 002 2-6-15: 033, 034	Box 3 Apt. Precinct	Yes Yes
Ala wai Terrace Apts.	1547 Ala wai Blvd.	2-6-11: 004, 024	Apt. Precinct	No
Ala wai Terrace Hotel	1684 Ala Moana Blvd.	2-6-11: 022	Apt. Precinct	Yes
Aloha Surf Hotel	444 Kanekapolei St.	2-6-21: 016	Apt. Precinct	Yes
Aloha Towers	430 Lewers St.	2-6-17: 005	Apt. Precinct	No
Ambassador Hotel	2040 Kuhio Ave.	2-6-15: 001-006	Apt. Precinct	Yes
Canal House	2611 Ala wai Blvd.	2-6-28: 001	Apt. Precinct	No
Coconut Plaza	450 Lewers St.	2-6-17: 028	Apt. Precinct	Yes
Colony Beach	2893 Kalakaua Ave.	3-1-32: 009	A-2	No
Colony Surf	2895 Kalakaua Ave.	3-1-32: 010	A-2	Yes
Colony Surf East	2895 Kalakaua Ave.	3-1-32: 016	A-2	Yes
Coral Reef	2299 Kuhio Ave.	2-6-22: 002	Res. Comm. Precinct	Yes

<u>PROJECT NAME</u>	<u>ADDRESS</u>	<u>TAX MAP KEY</u>	<u>CURRENT ZONING</u>	<u>EXEMPT FROM NDC (YES/NO)</u>
Diamond Read View	230 Makee Rd.	2-6-28: 020	Apt. Precinct	Yes
Drifwood Hotel	1696 Ala Moana Blvd.	2-6-11: 020	Apt. Precinct	Yes
Edmund's Apartments	2411 Ala Wai Blvd.	2-6-24: 094	Apt. Precinct	No
Fairway Villa	2345 Ala Wai Blvd.	2-6-21: 021	Apt. Precinct	No
The Governor Cleghorn	225 Kaiulani Ave.	2-6-24: 097	Apt. Precinct	No
Hale Hui	2406 Kuhio Ave.	2-6-24: 021	Apt. Precinct	No
Hawaii Dynasty	1830 Ala Moana Blvd.	2-6-12: 005	Apt. Precinct	Yes
Hawaiian Colony Hotel	1946 Ala Moana Blvd.	2-6-07: 020	Res. Comm. Precinct	Yes
Hawaiian Crown	236 Liliuokalani Ave.	2-6-24: 032	Apt. Precinct	Yes
Hawaiian King	417 Nohonani St.	2-6-21: 102	Apt. Precinct	Yes
Hawaiian Monarch	444 Niu St.	2-6-14: 032	Apt. Precinct	Yes
Hawaiian Princess	84-1021 Lahilahi St.	8-4-04: 006	A-2	No
Haw'n Seaside Hostel aka Backpackers Hostel	419 Seaside Ave.	2-6-21: 060,061	Apt. Precinct	No
Holiday Surf	2303 Ala Wai Blvd.	2-6-21: 028	Apt. Precinct	Yes
Honolulu Prince	414 Nahua St.	2-6-21: 107	Apt. Precinct	Yes
Ilima	445 Nohonani St.	2-6-21: 068	Apt. Precinct	Yes
Inn on the Park	1920 Ala Moana Blvd.	2-6-07: 026	Apt. Precinct	Yes
Island Colony	445 Seaside Ave.	2-6-21: 026	Apt. Precinct	Yes
Kaiulani Apts.	222 Kaiulani Ave.	2-6-21: 004	Apt. Precinct	No

<u>PROJECT NAME</u>	<u>ADDRESS</u>	<u>TAX MAP KEY</u>	<u>CURRENT ZONING</u>	<u>EXEMPT FROM NUC (YES/NO)</u>
Kuhio Banyan	2310 Kuhio Ave.	2-6-21: 023	Apt. Precinct	Yes
Kuhio Surf Club	2170 Kuhio Ave.	2-6-17: 051	Apt. Precinct	No
Lealea Hale	2423 Cleghorn St.	2-6-24: 095	Apt. Precinct	No
Maile Sky Court	2058 Kuhio Ave.	2-6-16: 046	Apt. Precinct	Yes
Marine Surf	364 Seaside Ave.	2-6-19: 001	Res. Comm. Precinct	Yes
439 Nahua Street	439 Nahua Street	2-6-21: 039	Apt. Precinct	No
444 Nahua Street	444 Nahua St.	2-6-21: 049	Apt. Precinct	No
Outrigger Hobron	343 Hobron Ln.	2-6-12: 047	Apt. Precinct	Yes
Outrigger Malia	2211 Kuhio Ave.	2-6-19: 021	Res. Comm. Precinct	Yes
Outrigger Surf	2280 Kuhio Ave.	2-6-21: 078, 081	Apt. Precinct	Yes
Outrigger West	2330 Kuhio Ave.	2-6-21: 099	Apt. Precinct	Yes
Pacific Islander	249 Kapili St.	2-6-24: 041	Apt. Precinct	No
Pacific Palms	441 Lewers St.	2-6-20: 069	Apt. Precinct	Yes
Park Plaza Waikiki	1956 Ala Moana Blvd.	2-6-07: 027	Res. Comm. Precinct	Yes
Pat's at Punahoa	53-567 Kam. Hwy.	5-3-08: 002	A-2	Yes
Prince Kuhio	2500 Kuhio Ave.	2-6-25: 024	Apt. Precinct	Yes
Promenada Apts.	423 Kaiolu St.	2-6-17: 006	Apt. Precinct	No
Royal Aloha	1909 Ala Wai	2-6-14: 026	Apt. Precinct	No
Royal Kuhio	2240 Kuhio Ave.	2-6-20: 058	Apt. Precinct	No

<u>PROJECT NAME</u>	<u>ADDRESS</u>	<u>TAX MAP KEY</u>	<u>CURRENT ZONING</u>	<u>EXEMPT FROM NUC</u> <u>(YES/NO)</u>
Sat Grand Hotel	440 Olohana St.	2-6-16: 039	Apt. Precinct	Yes
Seaside Hotel	342 Seaside Ave.	2-6-19: 009	Res. Comm. Precinct	Yes
Seaside Suites	440 Seaside Ave.	2-6-20: 001	Apt. Precinct	No
* Waikiki Banyan	201 Ohua St.	2-6-25: 005	Apt. Precinct	No
Waikiki Beachcomber	2300 Kalakaua Ave.	2-6-22: 010	Res. Comm. Precinct	Yes
Waikiki Gateway	2070 Kalakaua Ave.	2-6-16: 065	Res. Comm. Precinct	Yes
Waikiki Imperial	225 Liliuokalani Ave.	2-6-25: 032	Apt. Precinct	No
Waikiki Joy Hotel	320 Lewers St.	2-6-18: 007,083	Res. Comm. Precinct	Yes
Waikiki lanais	2452 Tunitala St.	2-6-24: 069	Apt. Precinct	No
Waikiki Park Heights	2440 Kuhio Ave.	2-6-24: 024	Apt. Precinct	Yes
Waikiki Parkside	1850 Ala Moana Blvd.	2-6-12: 003	Apt. Precinct	Yes
Waikiki Sand Villa	2375 Ala Wai Blvd.	2-6-21: 011	Apt. Precinct	Yes
Waikiki Skyliner	2415 Ala Wai Blvd.	2-6-24: 074	Apt. Precinct	No
Waikiki Skytower	2410 Cleghorn St.	2-6-24: 053	Apt. Precinct	No
* Waikiki Sunset	229 Paokalani Ave.	2-6-28: 011	Apt. Precinct	No
Waikiki Surf	2200 Kuhio Ave.	2-6-20: 018	Apt. Precinct	Yes
Waikiki Surf East	422 Royal Haw'n Ave.	2-6-20: 022	Apt. Precinct	Yes
Waikiki Surf West	412 Lewers St.	2-6-17: 007,049	Apt. Precinct	Yes
Waikiki Terrace	2045 Kalakaua Ave.	2-6-06: 002	Res. Comm. Precinct	Yes

<u>PROJECT NAME</u>	<u>ADDRESS</u>	<u>TAX MAP KEY</u>	<u>CURRENT ZONING</u>	<u>EXEMPT FROM NUC (YES/NO)</u>
Waikiki Townhouse	2421 Tusitala St.	2-6-24: 059	Apt. Precinct	Yes
White Sands Waikiki	431 Nohonani St.	2-6-21: 029,103	Apt. Precinct	Yes

HB-15-HD-2

Submitted on: 2/27/2023 4:39:32 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Levi Brooker	Individual	Oppose	Written Testimony Only

Comments:

This is ludicrous. Not only is the judicial foreclosure process a fundamental right all homeowners need, but DPP is objectively corrupt and dysfunctional, and they are the last organization in the country who should be trusted with that kind of power. It is equally sad and scary that legislation like this is even being discussed.

HB-15-HD-2

Submitted on: 2/27/2023 4:41:00 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chaney Padaca	Individual	Oppose	Written Testimony Only

Comments:

I oppose Bill HB15 because the building department does not always have the correct information, and homeowners must be able to defend themselves from being falsely accused.

Sincerely, Chaney Padaca